

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 24th August 1955.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Location of Government offices of Chingleput district in the City of Madras

* 351 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Chief Minister be pleased to state the names of Government offices of the Chingleput district that are located in the City of Madras and the steps afoot to locate them within Chingleput district?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister) :—“ A statement ^a containing the information is placed on the table of the House.”

SRI T. PURUSHOTHAM :—“ Sir, will the Hon. Minister kindly enlighten us whether there is any proposal to shift the headquarters of the Chingleput district to a suitable place within the district and, if so, at what stage the matter is? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, so far as I am aware, there is at present no such proposal.”

SRI MOHAMED RAZA KHAN :—“ Sir, is it not a fact that Saidapet is more centrally located in the Chingleput district and is convenient to people from both ends? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ That is perhaps so, Sir.”

SRI V. CHAKKARAI CHETTY :—“ Sir, why was it considered necessary to locate the Government offices of the Chingleput district in the City of Madras? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, it is not as if the Chingleput offices were located within the City, but portions of the district where the offices had been located have been annexed to the Madras City.”

Boundary issue between Madras and Andhra States

* 352 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Chief Minister be pleased to state the steps taken to settle the boundary issue between the Madras and Andhra States, and with what result?

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THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister) :—“ The Superintendent of Census Operations appointed by the Government of India for collecting the village-wise language figures in respect of the disputed taluks in either State by resorting to the 1951 Census slips has submitted the relevant particulars and maps to the two State Governments. With a view to settle the boundary issue amicably this Government have addressed the Chief Minister of Andhra State suggesting that a conference of the representative Ministers of the two Governments may be held to discuss matters so as to arrive at some agreed conclusions. This suggestion is being considered by the Government of Andhra.”

SRI T. PURUSHOTHAM :—“ Sir, may I presume that representations submitted by the villagers in the border areas will be duly considered with reference to the principles laid down by the Government for inclusion of the predominantly Tamil villages in the Madras State? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Yes, Sir, whatever representations have been received by the Government in this matter are being duly considered.”

SRI K. BALASUBRAMANYA AYYAR :—“ Sir, is there any likelihood of a Boundary Commission being appointed as was originally mentioned by the Government of India? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, unless it is inevitable, it is considered that these matters could be settled by mutual discussion rather than by initially appointing a Boundary Commission.”

SRI K. BALASUBRAMANYA AYYAR :—“ Sir, is there any likelihood of things being settled peacefully without any difficulty? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Yes, Sir. The Government do hope that as a result of discussions between the representatives of the two Governments, this matter could be amicably settled.”

SRI T. PURUSHOTHAM :—“ Sir, with reference to the question raised by the hon. Member Sri K. Balasubramanya Ayyar, may I know whether it is not a fact that even the leaders of the Tamil Nad North Boundary Commission at a public meeting held last night agreed to the course adopted by the State Government and also congratulated the present Ministry on the conciliatory steps taken by them in this matter? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I do not know, Sir, what certain leaders have done or have been doing.”

SRI MOHAMED RAZA KHAN :—“ Sir, is it not a fact that the Hon. the Chief Minister along with the Hon. the Finance Minister is going to meet the Andhra Ministers and can we hope that an amicable settlement will be reached in the matter? ”

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THE HON. SRI M. BHAKTAVATSALAM :— “That is possible, Sir.”

Compulsory learning of Hindi by the Madras officials serving under the Government of India

* 353 Q.—SRI MOHAMED RAZA KHAN: Will the Hon. the Chief Minister be pleased to state—

(a) whether the Madras Government have been consulted by the Government of India in regard to compulsory learning of Hindi by the Madras officials serving under the Government of India;

(b) if so, whether it applies to the officials who are to be appointed in future, or also to existing officials; and

(c) whether the Government will be pleased to place the correspondence if any on the table of the House?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister) :—“(a) This Government are not aware of any such proposal.

“(b) & (c) Do not arise.”

SRI MOHAMED RAZA KHAN :—“Sir, is the Hon. Minister aware of a report, which appeared prominently in the Press, that officials serving in the Government of India are compulsorily learning the Hindi language?”

THE HON. SRI M. BHAKTAVATSALAM :—“Sir, I am not aware of any such report. But I may tell the hon. Member that there is no such proposal that the Madras officials serving under the Government of India should be compulsorily made to learn Hindi.”

Vanniakula Kshatriyas in public services

* 354 Q.—SRI A. GAJAPATHY NAYAGAR: Will the Hon. the Chief Minister be pleased to state the percentage of the Vanniakula Kshatriyas in the public services in relation to their population?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister) :—“The population strength of the Vanniakula Kshatriyas in this State is not given separately in the 1951 Census Report. Information as to their number in the public services is not readily available and collection of the information will involve much time and labour. Even if this information is collected it will not be possible to give the percentage of their representation in the services in relation to their population as the population strength is not known.”

SRI A. GAJAPATHY NAYAGAR :—“Sir, is there even one District Collector among the Vanniakula Kshatriyas?”

THE HON. SRI M. BHAKTAVATSALAM :—“I do not know about that, Sir. The hon. Member may give the information.”

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SRI A. GAJAPATHY NAYAGAR :—“ Sir, is there one District Judge among the Vanniakula Kshatriyas? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Again I am not interested in that information, but still I shall be glad to have the information from the hon. Member.”

SRI A. GAJAPATHY NAYAGAR :—“ Sir, may I ask whether to the Subordinate Judiciary there has been any recruitment of District Munsifs from 1947 onwards from among the Vanniakula Kshatriya community? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, I may tell the hon. Member that under rule 22 of the general rules for the State and Subordinate Services, it is the backward classes as such that are entitled to representation and not any particular communities which come under the backward category.”

SRI MOHAMED RAZA KHAN :—“ Sir, leave alone Collectors and District Judges; how many Ministers are there in the Cabinet? ” (Laughter.)

THE HON. SRI M. BHAKTAVATSALAM :—“ The hon. Member does not expect any answer from me.”

DR. V. K. JOHN :—“ May I ask, Sir, in the interests of public service, whether communities as such should be represented in the public services or whether the best persons, to whichever community they belong, should be recruited? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I do agree with the hon. the Deputy Leader of the Opposition regarding the idea which he seeks to convey through the question.”

SRI A. GAJAPATHY NAYAGAR :—“ Sir, is not the Vanniakula Kshatriya community the largest community among the backward classes? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I am sorry, Sir, I do not have statistics with me.”

SRI A. SUBRAMANYAM :—“ சேர்மேன், ஸார், இப்பொழுது கேட்கப் படுகின்ற கேள்வி என்னவென்றால், பெருவாரியான வன்னியகுல கூடித்திரிய வகுப்பில் பிற்போக்கானவர் என்று சொல்லக்கூடியவர்கள் ஒரு கோடி மக்கள் இருக்கிறார்கள். அவர்கள் யாராவது உத்தியோகத்திலிருக்கிறார்களா? அதைக் கவனித்து அதற்குத் தக்கபடி ஏதாவதும் செய்யவேண்டுமென்பதுதான் கேள்வியின் கோரிக்கை.”

THE HON. SRI M. BHAKTAVATSALAM :—“ கேள்விக்கு என்னிடமுள்ள தகவலைக்கொண்டுதான் பதில் சொல்ல முடியும். இப்பொழுது கேள்வி கேட்க கனம் அங்கத்தினர் அவர்கள் ஒரு சிறந்த கொள்கையை வெளியிட்டார்கள் சென்ற முறை பேசும்போது பிற்போக்கு வகுப்பு என்று சொல்லும்போது அதற்கு பிரதிநிதித்துவம் கேட்பது சரி. ஆனால் ஜாதியைச் சொல்லாமலிருப்பது நலம் என்று சொன்னார்கள். அதே அபிப்பிராயத்தைத்தான் அரசாங்கமும் பின்பற்றி வருகிறார்கள்.”

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SRI A. SUBRAMANYAM :—“ எல்லோருக்கும் சமமாக உத்தியோகம் கொடுக்கப்படவேண்டுமென்றுதான் பன்முறை வற்புறுத்தியிருக்கிறேன். அதையே அரசாங்கமும் செய்யவேண்டும். பெரும்பான்மையான மக்கள் இருக்கக்கூடிய வகுப்பில் உத்தியோகத்தில் ஒருவர்கூட இல்லையென்றால், அதைப்பற்றி அரசாங்கம் கவனிப்பதற்கு ஏதாகிலும் தடை இருக்காது என்று நினைப்பதற்கு நியாயமிருக்கிறதல்லவா ? ”

SRI V. CHAKKARAI CHETTY :—“ Sir, may I know whether the doctrine of communal representation in the public services has been given up by the present Government? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ No, Sir. It has not been altogether given up. Regarding the question of the other hon. Member, I may tell him that there is no idea of excluding any particular community, which is either numerically large or small, and it is not practicable either that every community should be provided with adequate representation in the services according to their strength.”

SRI A. SUBRAMANYAM :—“ தமிழில் பதில் சொல்லவேண்டுமென்று கனம் மந்திரி அவர்களைக் கேட்டுக்கொள்கிறேன்.”

THE HON. SRI M. BHAKTAVATSALAM :—“ எந்த வகுப்பினரையாயினும், ஸெர்விலிலிருந்து விலக்கவேண்டுமென்ற எண்ணம் அரசாங்கத்திற்கு அடியோடு இல்லை என்பதை க்னம் அங்கத்தினர் உணர்வார்கள். ஒவ்வொரு வகுப்பிலும் எத்தனைபேர் உத்தியோக கத்திலிருக்கிறார்கள் என்று கண்டுபிடித்து, இல்லையென்றால் எப்படியாவது பிடித்துக்கொண்டு சேர்க்கவேண்டுமென்று சொல்வது சாத்தியமில்லை என்றுதான் சொல்ல விரும்புகிறேன்.”

SRI A. SUBRAMANYAM :—“ படித்தவர்கள், பின் டிகிரி, டிரிபிள் டிகிரி வாங்கினவர்களில், ஒரு குறிப்பிட்ட மிகவும் பிற்பட்ட வகுப்பினரையிருக்கக்கூடிய எல்லோருக்கும் ஏதாகிலும் உத்தியோகம் கொடுக்கக்கூடாதா என்று கேட்கிறேன். இல்லாததைப்பற்றிக் கேட்கவில்லை. மைனாரிட்டி பிற்பட்டவர்களில் யாராகிலும் படித்தவர்கள் இருந்தால் அவர்களை அவசியம் ‘ரெக்ரூட்மென்ட்’ மூலமாக உத்தியோகத்திற்கு எடுத்துக்கொள்ளக் கூடாதா என்று கேட்கிறேன்.”

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THE HON. SRI M. BHAKTAVATSALAM :—“ சாதாரணமாக ரெக்ரூட் செய்வது பப்ளிக் சர்வீஸ் கமிஷன். அவர்களுக்கு விதிகள் இருக்கின்றன. சட்டம் இருக்கிறது. அதில் பிற்போக்கு வகுப்பிற்கு இத்தனை விதிகள் என்று ஒதுக்கப்பட்டிருக்கிறது. அந்த விசித்தின் படியே அந்த வகுப்பிலிருந்து எடுத்தாகவேண்டும். ஆனால் பிற்போக்கு வகுப்பில் யாரை எடுத்தாலும் ஒன்றும் சொல்வதற்கில்லை. மற்ற உப வகுப்பிலிருந்து எடுக்கவில்லை என்று குறை கூறுவதற்கில்லையென்று நான் தெரிவித்துக்கொள்கிறேன்.”

SRI A. SUBRAMANYAM :—“ பிற்பட்டவர்களுக்காக 25 சத விசிதம் ஒதுக்கப்பட்டிருக்கிறது. ஆனால், பிற்பட்ட வகுப்பினர்கள் 70 சத விசிதத்திற்கு மேல் இருக்கின்றனர். இன்னும் அந்த சத விசிதத்தை உயர்த்தி அவர்களுக்கு உத்தியோகம் கொடுப்பதில் அரசாங்கம் சலுகை காட்டுவார்களா என்று கேட்கிறேன்.”

THE HON. SRI M. BHAKTAVATSALAM :—“ ரிசர்வ் செய்யப் படுவதால், மைனாரிட்டி காரண்டி குறைந்தபட்சமாகத்தானிருக்கும். ஆனால் அதற்குமேல் எடுக்கக்கூடாதென்பதுமில்லை. அப்படி, ஒரு பாதுகாப்புக்காக ரிசர்வ் செய்வது குறைந்தபட்சமாகத்தானிருக்கும். அதுதான் எங்கும் அனுசரிக்கப்படுகின்ற ஒரு முறை.”

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SRI MOHAMED RAZA KHAN :—“ Sir, the Leader of the House refused to reply to my question for his own reasons. Well, I am not pressing him. But at least I may have the information.”

THE HON. SRI M. BHAKTAVATSALAM :—“ What is the question? ”

SRI MOHAMED RAZA KHAN :—“ Sir, I put the question, ‘ How many men are there in the Cabinet from this community? ’, and the Hon. Minister said, ‘ I cannot say; I do not know ’.”

THE HON. SRI M. BHAKTAVATSALAM :—“ No, Sir. I only said that the hon. Member did not require an answer from me.”

SRI A. SUBRAMANYAM :—“ பிற்பட்ட வகுப்பினர்கள் இந்த மாகாணத்தில் இரண்டு கோடி மக்கள் இருக்கிறார்கள். ஆகையால் இந்த மாகாணத்தில் மந்திரிகள் எல்லோரும் பிற்பட்டவர்களாக யிருக்கவேண்டுமென்பது கனம் மந்திரி அவர்களுக்குத் தெரியுமா? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ அதெல்லாம் எனக்குத் தெரியாது.”

Water diviner for selecting sites for wells

* 355 Q.—DR. A. SREENIVASAN: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether a water diviner has been employed by the Madras Government for selecting sites for wells and, if so, from what date;

(b) how many sites for wells were selected by him since his appointment and in how many of them water was struck and in how many of them the water so struck was potable;

(c) whether the water diviner predicts the nature of the water likely to be struck at the site selected by him;

(d) whether the water diviner specifically states at what depth water would be struck; and

(e) whether the site for the well in Kurinjipadi in South Arcot district was selected by the water diviner and, if so, what was the depth at which he predicted that the water would be struck?

THE HON. SRI M. BHAKTAVATSALAM :—“ (a) Yes. From 9th February 1954.

“ (b) 702 sites have been selected by the water diviner. Water was struck in 319 cases of which water was potable in 284 cases.

“ (c) Yes. Generally.

“ (d) No. He gives the approximate depth at which water is likely to be struck.

“ (e) No. Does not arise.”

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DR. A. SREENIVASAN :—“ Sir, have the Government any faith in water divining? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ The divining by the water diviners has been tried, and it has not been altogether unsuccessful.”

SRI MOHAMED RAZA KHAN :—“ Is the Leader of the House aware that the other day the Hon. the Minister for Public Health said, ‘ I do not believe in this water diviner, it is all a myth like various other things ’? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I may tell the hon. Member that the Government in the Health Ministry does not employ any diviners.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN :—“ I have to announce to the House that I have received the following message, dated the 24th August 1955, from the Deputy Speaker, Madras Legislative Assembly :—

‘ In accordance with Rule 114 of the Assembly Rules, I transmit a copy of the Madras Cultivating Tenants’ Protection Bill, 1955 (L.A. Bill No. 11 of 1955), as passed by the Legislative Assembly on the twenty-fourth day of August 1955, and signed by me for the concurrence of the Council.’ ”

III.—STATEMENT UNDER RULE 41 (1) OF THE COUNCIL RULES.

* SRI T. PURUSHOTHAM :—“ Mr. Chairman, Sir, under Rule 41 (1) of the Council Rules, I wish to call the attention of the Minister for Local Administration to the Election notice published on 22nd August 1955 by the Commissioner, Corporation of Madras, as returning officer in the Elections to the Corporation of Madras showing the list of valid nominations in which the candidates are designated as Mudaliar, Naidu, Adi-Dravida, Non-Brahman, Brahman, etc., and in fact, one candidate is designated as ‘ Koravan ’ in spite of the Government Order ordering omission of the term ‘ Adi-Dravidas ’ in official records and designating them as Harijans. Publication of such communal details is opposed to the spirit of our Constitution. As such election notices are to be published in the case of all municipalities and considering the urgency on account of the elections thereto, I bring this to the notice of the Minister.”

SRI V. CHAKKARAI CHETTY :—“ The Prime Minister of India, Pandit Jawaharlal Nehru, has stated that the whole of India should be united. He has used the word ‘ casteism ’. He has said that ‘ casteism ’ should be abolished. This ‘ casteism ’ is against the spirit as well as the express declaration of our leading statesman and others. The members of these communities would prefer to have their community names deleted.”

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* SRI T. PURUSHOTHAM :—" Sir, there cannot be a discussion on the statement that has been made under Rule 41."

* THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—" Mr. Chairman, Sir, instructions for the omission of ' caste ' or ' tribe ' of voters in the printed list of electoral rolls were issued by Government in June 1953. These instructions are being carried out by the Electoral Revision Officers in preparing the consolidated electoral rolls to be reprinted as a single roll. The electoral roll of the City of Madras is being revised and consolidated only this year. This roll will come into force only with effect from 1st October 1955, or the date of its publication, whichever is later. Hence, the basic rolls of 1948 revised and brought up to 1954, which are in force in the City now and which contain entries relating to caste, tribe, etc., are being followed for the ensuing elections to the Corporation. So the mention of caste, tribe, etc., in the list of valid nominations, based upon the nomination forms, filed by the candidates and published by the Commissioner of the Corporation who is the Returning Officer for the Corporation elections, is in order."

IV.—GOVERNMENT BILLS.

(1) THE MADRAS SALES OF MOTOR SPIRIT TAXATION (AMENDMENT) BILL, 1955 (L.A. BILL NO. 22 OF 1955).

* THE HON. SRI M. A. MANICKAVELU :—" Sir, I move—
' That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1955 (L.A. Bill No. 22 of 1955), as passed by the Assembly, be taken into consideration.'

Under the Act now in force, the returns to be furnished by the importers and wholesale dealers and others of the sale of motor spirit are embodied in the Act itself. It has been represented that giving the particulars in a date-war return entails a lot of clerical work and laborious task. It has been found that so far in the working of the Act there has not been any suppression of facts, and the parties have been submitting the returns all right. Such returns of forms and returns of sales are usually provided for in the rules to be framed under the Act. But somehow in this piece of legislation that is not so. The purpose of this Act is to make provision under the rules for the returns of the particulars of sales of motor spirit. But if this is to be provided for in the Act itself, the Government will have to come before the Assembly every now and then for any small thing that requires alteration or amendment according to the circumstances of the case. That is why this Bill is brought forward."

MR. CHAIRMAN :—" Motion moved—

' That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1955 (L.A. Bill No. 22 of 1955), as passed by the Assembly, be taken into consideration.'"

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DR. V. K. JOHN :—“ Sir, the provision which is now sought to be placed on the Statute Book enables the Government to prescribe rules, and we do not know what rules they will frame for prescribing the returns. Formerly the Act provided for it. Now the Government want to take power to prescribe the rules, which they can change from time to time. My only suggestion to the Government is—and I am sure that all Ministers are interested in this—that such rules should not be made oppressive on the merchants.”

* THE HON. SRI M. A. MANICKAVELU :—“ The Hon. Deputy Leader of the Opposition is always obsessed with oppression. Here, it is not oppression. On the other hand, we are removing the causes of oppression, if any. Instead of compelling the companies and other dealers to furnish elaborate returns, we are now, by the rules, trying to have only monthly returns.” 3-20 P.m.

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1955 (L.A. Bill No. 22 of 1955), as passed by the Assembly, be taken into consideration.’ ”

The motion was carried and the Bill was taken into consideration.

Clauses 2 and 1 were put and carried.

The Preamble was put and carried.

* THE HON. SRI M. A. MANICKAVELU :—“ Sir, I move—

‘ That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1955 (L.A. Bill No. 22 of 1955), as passed by the Assembly, be passed.’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1955 (L.A. Bill No. 22 of 1955), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

(2) THE MADRAS LAND REVENUE (SURCHARGE) AMENDMENT BILL, 1955 (L.A. BILL NO. 24 OF 1955).

* THE HON. SRI M. A. MANICKAVELU :—“ Sir, I move—

‘ That the Madras Land Revenue (Surcharge) Amendment Bill a, 1955 (L.A. Bill No. 24 of 1955), as passed by the Assembly, be taken into consideration.’ ”

Sir, this is with reference to an Act passed already. It does not relate to a Bill which is going to come before the Legislature hereafter. Now, there has occurred an anomaly in that Act and it is

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now sought to remove that. In section (3) of the Act the manner in which the surcharge is to be levied is mentioned and an illustration is also given therein to make the meaning clear. But, we found that the illustration instead of making the meaning clear, makes it doubtful and not clear. So, I will mention the illustration, Sir.

“ Suppose a person ‘ A ’ pays a land revenue of Rs. 300 on a single patta and again A and B on a joint patta pay another Rs. 300. Now, the illustration in that Act says that both are liable to pay surcharge as it goes above Rs. 500. That is not the idea, Sir. Because ‘ A ’ pays Rs. 300 on single patta, and in the joint patta, suppose he is liable to pay an assessment of Rs. 150 only, the total land revenue payable comes to only Rs. 450 and so, he will not be liable to pay. It is only to make that intention clear another illustration has now been substituted.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Land Revenue (Surcharge) Amendment Bill, 1955 (L.A. Bill No. 24 of 1955), as passed by the Assembly, be taken into consideration.’ ”

DR. V. K. JOHN :—“ May I congratulate the Government that on finding a mistake, they have come forward with a Bill to correct the mistake? This Act was passed in 1954 and at the time the Act was drafted, they were under the impression that it was very carefully examined and found correct and they had it passed through the Assembly and the Council. Later on, very soon, after they found a mistake, they have the courage to come forward to amend the mistake. I want to congratulate them and I hope that whenever such mistakes occur hereafter in the Bills which were passed, they will also come with amendments to correct those mistakes.”

* THE HON. SRI M. A. MANICKAVELU :—“ Yes, Sir. I thank the hon. Member for once congratulating the Government.”

* SRI K. BALASUBRAMANYA AYYAR :—“ There was a discussion last year on this. When the illustration was taken up, it was thought that it was a little misleading and Rajaji when he was the Chief Minister said that he will look into it.”

* THE HON. SRI M. A. MANICKAVELU :—“ Now, Sir, it has been looked into and the defect has been rectified. A very vigilant member, the Deputy Leader of the Opposition, was also there when the other Bill was passed. The very fact that he did not find out this mistake shows that that is beyond the scope of ordinary people. It escaped even his notice and so, he cannot level any charge against me.”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Land Revenue (Surcharge) Amendment Bill, 1955 (L.A. Bill No. 24 of 1955), as passed by the Assembly, be taken into consideration.’ ”

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The motion was carried and the Bill was taken into consideration.

Clauses 2 and 1 were put and carried.

The Preamble was put and carried.

* THE HON. SRI M. A. MANICKAVELU :—“ I move—

‘ That the Madras Land Revenue (Surcharge) Amendment Bill, 1955 (L.A. Bill No. 24 of 1955), as passed by the Assembly, be passed. ’ ”

MR CHAIRMAN :—“ The question is—

‘ That the Madras Land Revenue (Surcharge) Amendment Bill, 1955 (L.A. Bill No. 24 of 1955), as passed by the Assembly, be passed. ’ ”

The motion was carried and the Bill was passed.

(3) THE PUDUKKOTTAI (SETTLEMENT OF INAMS) BILL, 1955^a
(L.A. BILL NO. 25 OF 1955).

* THE HON. SRI M. A. MANICKAVELU :—“ Sir, I move—

‘ That the Pudukkottai (Settlement of Inams) Bill,^a 1955 (L.A. Bill No. 25 of 1955), as passed by the Assembly, be taken into consideration. ’ ”

Hon. Members are aware that Pudukkottai was merged with the Madras State in the year 1949. Till then, the settlement of inams and the work of administering the inams have been carried on by the rules made by the State itself. Our Standing Orders of the Board of Revenue do not apply to them. Now, the State having been merged with our State, the law that will be applicable to them will be our laws and the rules and the Standing Orders that we make. There is at present no legal sanction for our administering these inams under our Act. But, luckily, Sir, so far the legal aspect of it has not been questioned. The Government feel that it lacks legal sanction and therefore they want to regularize it. So, this Bill has been brought in to make the rules prevalent here applicable to the State of Pudukkottai which has been merged with Madras, and give legal sanction to them.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Pudukkottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955), as passed by the Assembly, be taken into consideration. ’ ”

* SRI K. BALASUBRAMANIA AYYAR :—“ Regarding the principle of the Bill, I have no objection, Sir. It is quite all right. But, there are one or two matters which require a little attention. There are personal inams, religious and charitable inams and there are also the artisan inams. So far as the personal inams other than those mentioned for religious and charitable purposes go, they shall

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be enfranchised or changed from the conditions on which they are held. The first point is, it is stated in clause (3) that these lands held on inam tenure shall be settled in accordance with the principles laid down in the rules and orders contained in the Standing Orders of the Board of Revenue and for the time being applicable to the settlement of inams in the rest of the Madras State. There are two or three Acts also of the Madras State which are applicable generally to inams. I do not know why these Acts have not been mentioned. The Enfranchised Inams Act of 1862, the Madras Enfranchised Inams Act of 1866 and the Inams Act of 1869—all these three Acts apply to these cases of enfranchised inams. Once, this is merged, I think those Acts will also apply. But, I do not find any mention of them. It is only stated 'the principles laid down in the rules and orders contained in the Standing Orders of the Board of Revenue and for the time being applicable to the settlement of inams in the rest of the Madras State'. That is one thing. The second thing is so far as proviso (b) to clause (3) is concerned, it is said all religious, charitable and artisan inams shall be continued by Government only so far as the terms and conditions subject to which they are held are fulfilled. If the purposes for which they are intended are not being fulfilled, as has become difficult to fulfil the purposes for which the religious and charitable inams were instituted, on that account, the Government cannot resume and make the charitable and religious inams ordinary property. They cannot enforce it by law and make these charitable and religious inams their own. They must apply the doctrine of *cy pres*, in case the Government found that these charitable and religious inams have not been fulfilling the purposes for which they were intended. Without doing so, Government cannot resume those charitable or religious inams. They can apply the doctrine of *cy pres* and say because those charitable or religious inams have not fulfilled the purposes for which they were intended, they may be used for the fulfilment of purposes akin to the one for which they were first instituted. So far as artisan inams are concerned, the proviso (b) is quite all right. If the purposes for which those artisan inams were intended, have not been fulfilled, Government need not continue them. Artisan inams come under the category of service inams. But religious and charitable inams form a different category and they cannot be clubbed with artisan inams. That is why I say they cannot be included under proviso (b) to clause (3) of the Bill. These are the observations I want to make. Otherwise, I am in agreement with the principle underlying this Bill."

* SRI A. GAJAPATHY NAYAGAR :—" Inams are granted under the terms of the grant. So the terms of the grant govern the inams and if the Government find that the terms of the grant are not being properly fulfilled, those inams could be resumed. That is the law that governs these inams. I do not find any difference in the matter of the law of grant and the law of resumption so far as these inams are concerned. I find that no exception can be made if there is failure of the service for which the inam

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was granted. As far as the application of the doctrine of *cy pres* is concerned, it is left to the Government to apply it or not apply it. I do not think there is anything wrong in the proposal of Government to make the laws applicable to inams in Madras State to Pudukkottai inams also."

* THE HON. SRI M. A. MANICKAVELU :—" Under the Pudukkottai State Merger Act, it was said all Acts that were in force in Madras State should be made applicable to Pudukkottai. I take it that all Acts that were in operation at that time in Madras State were accordingly made applicable to Pudukkottai. This Bill only refers to certain rules that have been passed by the executive orders of the Durbar, which cannot have legal sanction. That is why by this Bill we are trying to give legal sanction.

" With regard to religious and charitable inams, it has been specifically provided now that those inams would be continued, subject to the observation of the conditions stipulated in each case. Whatever is enforced in our State will also be enforced there. In the matter of these inams, the stipulation of the conditions are not very strictly enforced. That is my impression. I cannot say so exactly. As regards service inams, I know those inams are there even though no service has been done. They are being tolerated. They will all be abolished once the question of abolition of all inams is taken up."

MR. CHAIRMAN :—" The question is—

' That the Pudukkottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955), as passed by the Assembly, be taken into consideration.' "

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 6 were put and carried.

Clause 1 was carried.

The Preamble was put and carried.

* THE HON. SRI M. A. MANICKAVELU :—" Sir, I move—

' That the Pudukkottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955), as passed by the Assembly, be passed.' "

MR. CHAIRMAN :—" The question is—

' That the Pudukkottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955), as passed by the Assembly, be passed.' "

The motion was carried and the Bill was passed.

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V.—GOVERNMENT MOTION.

AMENDMENT TO THE MADRAS LEGISLATIVE COUNCIL RULES.

* THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, I beg to present the report * of the Select Committee on the amendment to the Madras Legislative Council Rules and move—

‘ That the amendment be taken into consideration.’

I shall read the amendment, Sir*—

‘ Add the following new rule after rule 178 :—

“ 178A. (1) The Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties.

Provided that Government may decline to produce a document on the ground that its disclosure would not be in the public interest.

(2) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.” ’

MR. CHAIRMAN :—“ Motion moved—

‘ That the amendment be taken into consideration.’ ”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ I support the amendment and request the House to pass it unanimously.”

MR. CHAIRMAN :—“ The question is—

‘ That the amendment be taken into consideration.’ ”

The motion was carried and the amendment was taken into consideration.

MR. CHAIRMAN :—“ I shall now put the amendment to vote. The question is—

‘ Add the following new rule after rule 178 :—

“ 178A. (1) The Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties.

Provided that Government may decline to produce a document on the ground that its disclosure would not be in the public interest.

(2) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

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(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential." " "

The amendment was carried.

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I move—

' That the amendment be passed. ' "

The motion was put and carried and the amendment was passed.

VI.—NON-OFFICIAL BILL.

THE MADRAS MARUMAKKATHAYAM (REMOVAL OF DOUBTS) BILL, 1955
(L.A. BILL NO. 12 OF 1955).

* SRI M. P. GOVINDA MENON :—" Mr. Chairman, Sir, 3-40
I move— p.m.

' That the Madras Marumakkathayam (Removal of Doubts) Bill 1955 (L.A. Bill No. 12 of 1955), as passed by the Assembly, be taken into consideration. ' "

" Sir, at the outset, I thank the Hon. Leader of the House for having given me this opportunity to move this non-official Bill to-day. This Bill, Mr. Chairman, is a very simple Bill. The necessity for it arose because there was a decision by Their Lordships in the Privy Council, as reported in I.L.R. (1948), Madras, 672. This decision according to some of us went against the ordinary custom, usage and the then law prevalent among the marumakkathayees of Malabar. That is why this Bill has to be introduced to-day. The case which went up to the Privy Council arose out of a dispute raised regarding the nature of the property which was the subject-matter of that suit, as it was considered a *Sthanam* property.

" Now, there are two kinds of *stanams* in Malabar, and this has been established by a series of decisions of Courts based on the custom, usage, etc., of the Malabar district. Among some aristocratic royal families which were considered the chieftains or native rulers in those days, some seniormost male member or female member—in some families to the extent of four or five lines—were considered stanees, because they were karnavan of the tharwad in the district of Malabar. Some properties were also set apart for the sole enjoyment of these stanees, apart from the properties which had been enjoyed by them in common with the other members of the tharwad in which the stanees were born or from which the stanees got accession. That is one kind of stanam which was in practice in Malabar.

" Another kind of stanam was that given by courtesy. The seniormost male member was considered a stantee. He was given the designation stantee, but in such a stanam no property was attached to the stanam as stanam. They were just the seniormost male members of the tharwad, but they had no independent property apart from the tharwad property, though they were styled

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as stanees. This custom is known very well in Malabar and is known to all those who are well-versed in the customs and usages of Malabar. For example, the Zamorin's family in Malabar got divided into 4 or 5 families and each section has got tharwad property; the seniormost male members of all the sections are designated as stanees and properties are separately attached to each.

"The stanees are just like the widows as known to Hindu Law. There are other examples also. The Chirakkal Raja was a very big chieftain; he is styled a stantee but he has no stanam property. He enjoys only the tharwad property with other members. But he was the karnavan of the tharwad.

"The case that went to the Privy Council was similar to the case where there was no separate property attached to the stanam. Our High Court, as reported in I.L.R. (1944), Madras, 550—I quote this because the case was tried by Judges familiar with the customs of Malabar—upheld the contention that there was no separate property attached to the so-called stanam. But unfortunately when the matter reached the Privy Council, Their Lordships—with great respect to them, though we are not now under the jurisdiction of the Privy Council—were not able to understand or appreciate the usages and customs in the district of Malabar. They were guided by the customs of Eastern countries and held that the person concerned, the seniormost member, had absolute right of the property which is called the stanam property. That is how the matter was decided by Their Lordships of the Privy Council. This has resulted in some sort of an upheaval in the district, some unnecessary litigations and some confusion and trouble in the families concerned.

"It had been decided that this doubt must be removed. That is why this Bill is styled 'Removal of Doubts' Bill. That is the necessity for this legislation. The eminent jurists of our State were consulted in this matter. I may inform the House in this connexion that the particular family had been under the management of the Court of Wards between 1895 and 1910 when there was no male member for being the stantee. At that time, they consulted the then eminent jurist, the late Sri P. R. Sundara Ayyar who afterwards became a Judge. There was no greater authority than he and even to-day there is no greater authority than he in matters relating to Malabar law. Whenever any questions relating to Malabar Law arose, he gave the authoritative opinion. So, Government then moved in the matter and on his opinion, it was held that it was not stanam property but a tharwad property and therefore the Court of Wards entered into management. So also, the present eminent jurists, Sri K. S. Krishnaswami Ayyangar, Sri Raja Ayyar and Sri M. K. Nambiar, were consulted in this matter. These eminent persons after going through all the elaborate records connected with the case, after taking into consideration the usage and customs referred to in all previous decisions and after going through the different Articles of the Constitution as to

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whether this Legislature was competent to undertake a legislation of this kind, gave their opinion to the Government and the papers are with the Government. They said that such a legislation was necessary; the doubt created by the Privy Council decision must be removed and that is why this Bill is brought before the Assembly and this House.

"I may also submit that the opinion among Members coming from Malabar is unanimous in regard to this Bill. As the Hon. Minister for Law put it in the other House, all the Malabar Members are unanimous in this demand and all subscribe to the demand that such a legislation is necessary. And so this Bill was passed unanimously by the Assembly—I may say this for the information of the House—and so there is no scope for difference of opinion. I even feel that, as this is a matter which has been settled by the representatives of the people concerned that a legislation of this nature is necessary, there is not much scope for discussion also.

"The provisions of the Bill are simple and there are only two clauses, one with three sub-clauses. To decide whether a property is a tarwad property or sthanam property there are principles well-known to the Malayalees. The first principle is to see whether there has been an intermingling of the sthanam and tarwad properties. It is a well-known test, known to Hindu Law to see whether there has been an intermingling of the properties. The second principle is to see whether the members of the tharwad had been receiving maintenance from the properties purporting to be sthanam properties as of right or in pursuance of a custom or otherwise. As regards this in the particular matter that went up to the Privy Council, in 1817 there was a suit for maintenance and it was decreed in 1818 and that custom had been followed till the present day. The third is the most important, and that is to see whether there had at any time been a vacancy caused by there being no male member of the tharwad eligible to succeed to the sthanam.

"These are the three well-known tests which are elaborated in this Bill to decide whether a particular property belongs to the sthanam exclusively or tarwad. I submit that this Bill may be passed unanimously as was passed in the other House. I hope our Members will give their full co-operation and support. Once more, I thank the Government for allowing me to move this Bill to-day."

* SRI P. P. UMMER KOYA :—"Sir, I second the Bill. This is intended to remove some misapprehensions and doubts in the Madras Marumakkathayam Act in regard to sthanams and sthanam properties. This Bill clearly gives the definition of the tharwad property in accordance with the age old custom of Marumakkathayam families of Malabar. Therefore, the whole of Malabar is unanimous in giving its support to this measure and I do hope that this House will give its unanimous support to this Bill."

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MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Marumakkathayam (Removal of Doubts) Bill, 1955 (L.A. Bill No. 12 of 1955), as passed by the Assembly, be taken into consideration.’ ”

DR. V. K. JOHN :—“ Mr. Chairman, Sir, I must congratulate the mover and also the seconder of this Bill on the very able and eloquent manner in which they have advocated this Bill. I am not sure whether Members of this House who do not belong to Malabar know anything very much about sthanams. This Bill is called ‘ The Madras Marumakkathayam (Removal of Doubts) Bill, 1955.’ It would have been more appropriate to call it ‘ The Malabar Abolition of Sthanams Bill’. If this Bill becomes law, there will be no sthanams at all in Malabar. As the hon. Member Sri Govinda Menon pointed out, most of the sthanam-holders were ruling Rajas in ancient times and certain properties were attached to the sthanams. They were impartible properties. I hope the mover of the Bill will himself admit that there are sthanam properties which are impartible estates and hon. Members of this House know what is meant by an impartible estate.

“ Sir, this Bill purports to deal with certain properties which are purported to be sthanam properties. This Bill does not purport to abolish all the sthanams, but what it actually does is to abolish all sthanams because clause 2 provides notwithstanding any decision of Court, any sthanam in respect of which

(a) there is or had been at any time an intermingling of the properties of the sthanam and the properties of the tarwad, etc.

“ Sir, in almost every sthanam, there are sthanam properties and tarwad properties. I do not understand what is meant by intermingling of properties—of immovable properties. Does it mean that if a sthanam-holder holds sthanam properties and tarwad properties, the sthanam properties become tarwad properties. How can one item of immovable property be intermingled with another item of immovable property? The expression ‘ intermingling ’ is unknown to law. I can understand private property being considered as joint family property and thus converted into joint family property. It is not intermingling of properties. Even if an item of property which is the private property of a manager of a joint Hindu family or of any member of a joint Hindu family is regarded by the holder thereof as joint family property it becomes joint family property according to law, but it is unknown to law how one property can be intermingled with another property. How can sthanam property intermingle with tarwad property? I can understand sthanam property being regarded as tarwad property. This is a different thing altogether, but the wording used in this Bill is unknown to law, namely, one property being intermingled with another, and the wording used there is ‘ or had been at any time an intermingling of properties of the sthanams and the properties of the tarwad ’. I do not understand

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the meaning of the wording 'at any time'. Does the mover of the Bill consider an intermingling at one time and a separation at another time, of properties of the sthanam and the properties of the tarwad? I can understand some powder being mixed with some other powder or water being mixed with some powder, but I cannot understand how an item of immovable property being intermingled with another item of immovable property. This House is taking a very great responsibility in adopting a phraseology which is unknown to law, and the Courts will find it very difficult to interpret the wording used and find out the intention of the Legislature.

" Clause (b) refers to cases in which 'members of a tarwad have been receiving maintenance from the properties purporting to be sthanam properties as of right, or in pursuance of a custom or otherwise. So far as I know, the members of the family of the sthanam-holder, are maintained out of the income of the sthanam if there are no joint family properties. Can you find out one holder of sthanam properties in Malabar who does not maintain the members of his family. According to the Bill, these members need not be maintained as of right or in pursuance of the custom. If they are maintained otherwise also, sthanam properties become tarwad properties. The phraseology 'or otherwise' is very indefinite I must compliment the draftsmen of this Bill on the clever way in which the Bill has been drafted. If a sthanam-holder maintains members of his family for any reason whatsoever the sthanam properties become tarwad properties divisible among the members.

" Look at clause (c). This says that all sthanam properties in respect of which 'there had at any time been a vacancy caused by there being no male member of the tarwad eligible to succeed to the sthanam'. How can sthanam properties become tarwad properties divisible among the members of the family? The wording 'at any time' may be noted.

" I have no doubt if clause 2 is passed into law, all sthanams in Malabar will stand abolished and sthanam properties will be converted into tarwad properties which will become divisible among the members of the family. This is not clearing doubts, but abolishing sthanams. Sthanams are ancient institutions which have rendered great services to the public in running schools and other charitable institutions. I do not think there is any sthanam-holder in the whole of Malabar who does not render some service or other. The Legislature is a responsible body and it should not under cover of a Bill clearing doubts, abolish these ancient institutions. It is very wrong to abolish these institutions in this manner without serious consideration being paid to it. I can understand a Bill abolishing all sthanams as in the case of zamindaris. This is not the case here. I strongly protest against the manner in which these ancient institutions in Malabar are abolished.

[Dr. V. K. John]

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“Then again the Legislature ought not to do the work which the Courts are expected to do. If there is a dispute whether an item of property is sthanam property or tarwad property, it is for the Courts to decide the question. The mover of the Bill refers to a Privy Council decision reversing the High Court's decision. This was in regard to certain properties and was not a case dealing generally with all sthanam properties. It is necessary to point out that the Subordinate Judge who decided the case in the first instance found that a particular property was sthanam property and therefore impartible property. The High Court reversed the decision on the facts of the case. The Privy Council reversed the High Court's decision. If a question arises regarding any other item of property, the Courts will decide on the facts of each case whether the item of property is sthanam property or tarwad property. According to this Bill, an item of property although actually sthanam property will be tarwad property if any of the conditions in clause 2 are satisfied and I do not think any item of property can be got outside one condition or the other. The mover of the Bill said it was not the intention to abolish all sthanams. If that was the intention and the intention was to clear certain doubts, this is not the Bill for that purpose. The House will take a very great responsibility in passing this Bill and the effect of this Bill will be involved and prolong litigation and the closing down of many educational, charitable and religious institutions which are run by sthanam-holders.

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“If literacy is very high on the West Coast, it is due to Churches and wealthy persons like the sthanam-holders who are mostly non-Brahmans. Formerly the temples, which were managed by Brahmans, did not care to educate non-Brahmans. To-day it is not the case.”

SRI M. P. GOVINDA MENON :—“There was no time when Brahmans refused to educate non-Brahmans. Sometimes non-Brahmans have been educating Brahmans.”

DR. V. K. JOHN :—“What I am saying is that temple money was not utilized for educational institutions and the reason given was that they did not want to educate Parayas and Pulayas, whereas Churches would allow anybody to come into the schools. This was also the case with educational institutions run by wealthy persons like sthanam-holders. The effect of this Bill will be that tomorrow every junior member of the family will ask for partition of sthanam property and these educational and other charitable institutions will have to be closed down. It is not in the public interests that this Bill should be passed into law. My objection to this Bill is that we are taking up this legislation very lightly. As responsible legislators, we should not yield to and we should not lightly take upon ourselves the function which a court of law should normally and legitimately be charged with. Secondly, under cover of this Removal of Doubts Bill, we are actually abolishing the sthanams which are ancient institutions. I should

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[Dr. V. K. John]

therefore say that although this Bill has been very ably moved by my hon. Friend Sri Govinda Menon and seconded by Sri Ummer Koya and although this has been supported by members coming from Malabar and by the Government in the Assembly, it is my bounden duty to point out what we, as Members of this Legislature, should do and should not do. I have very serious doubts whether this Bill is not expropriatory in character against the Constitution and beyond the competency of this Legislature."

* SRI A. GAJAPATHY NAYAGAR :—" Mr. Chairman, Sir, before this Council a private Member has brought forward a Bill. He relies, in support of the Bill, on a decision by the Privy Council that sthanam property is impartible. My friend knows that the decision in a case is authority only for the facts of that case. This is a fundamental law. Here my hon. Friend, Dr. John, says that there are so many sthanams which are impartible and which are not impartible. The question before us is to consider whether on the moving of a resolution by a private Member, this Council will take sufficient authority to pass it into law. We have just heard two pleaders on this side. We have not heard both sides of the question. I say that this Council is entitled to have more authoritative information. I would have been very glad if this Bill has come at the Government level, or even at this stage, I would suggest a Select Committee be appointed to go into this question. Then the House will be in a position to know all the facts and we will be able to apply our minds and then pass the Bill. Otherwise we will be forswearing our responsibility. We should act in a responsible manner. I do not want to say that the Bill is good or the Bill is bad. But, I say that this Council is entitled to more information and more guidance and therefore I submit that the Bill may be brought forward at Government level so that we can pass it with more confidence. Or, at least if it goes to the Select Committee, then it will be possible to bring all the facts to light. Let not Sri Govinda Menon think that I oppose the Bill and let not Dr. John think that I support the Bill."

4-10
p.m.

* SRI E. H. PARAMESWARAN :—" Sir, I thought that this was a most non-controversial Bill and that there would be no opposition. I for one felt very glad that this Bill was unanimously accepted by the Assembly. I also very much appreciate the attitude of the Government. The Hon. Law Minister said that if all the Members from Malabar agreed with regard to the principles of the Bill, the Government will be very glad to accept them. I have spoken to a number of persons about this Bill and I find complete unanimity about the need for such a Bill. I am not a lawyer and it will not be possible for me to give any legal opinion about the matter as my hon. friend, Dr. V. K. John, has done. Dr. John pointed out that the Legislature should not do away with ancient institutions. Ancient institutions all over the world have been crumbling and simply because some institution has been

[Sri E. H. Parameswaran] [24th August 1955]

existing from time immemorial, we should not say that the institution should be allowed to live. So many very ancient institutions have suffered and this is a matter on which all Malabar Members are agreed. We consider that there is absolute necessity for this Bill. Since the Legislative Assembly has also passed it, I would request all hon. Members to give their approval and see that the measure is passed."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, the case for this Bill has been ably put forward by the Mover of the Motion and it is not necessary for me to explain further the scope of the Bill. But, Dr. John has raised certain fundamental points in considering this Bill and particularly, he stresses the aspect 'Here are ancient institutions which have been doing good to the society; are we to abolish these institutions?' I will take it for granted that this Bill abolishes those ancient institutions. Whether we should abolish the ancient institutions, Sir, is not a question for the Privy Council or any other court to decide. It is a question of where social justice is. There is the property held by one person under some sthanam as a sthani or as a head of a tarwad family. The question is whether a particular person should be absolutely entitled to the property or the entire family should have interest in the property. So, apart from what the state of law is and has been, it is open to this Legislature to consider whether the members of the family should have definite rights in this property and if we come to the conclusion as a matter of social justice that the members of the family should get rights in this property, then it will be not only within our rights but it is just that we pass this legislation. After a good deal of consideration, a Member has brought in this Bill and the Government also have gone into the entire aspect. The Government consider that there is nothing wrong in passing this Bill. That is why, they have given their support to this Bill even though it has not come as a Government Bill. This is not the stage at which the Government should bring in a statute of this sort because we are considering a comprehensive Bill. But, this Bill deals with a particular kind of sthanam property wherein the members have been receiving maintenance or in respect of which there has been a vacancy in the leadership of that property and considering that I do not think it is necessary to have any further discussion or refer it to a Select Committee. I would request hon. Members to accept this Bill and pass it. When the question of Sthanam Bill in its entirety comes up before the House, it may be decided whether it is to be sent to a Select Committee and further examined."

* SRI M. P. GOVINDA MENON :—" I thank hon. Members and the Hon. Minister for Law for the warm support given to this Bill. I thank my friend, the Deputy Leader of the Opposition, for intervening in the debate so that the position may be made clear. One point I want to stress is that this is not a Bill to abolish sthanams. Even after the passing of this Bill, there will be innumerable sthanams and sthanam property in the district

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of Malabar. I understand that the notice given in the Legislative Assembly for abolishing the entire sthanam is going to be published soon and that is the time for my friend, Dr. John, to interfere and say whether such a Bill is necessary. As the Hon. Minister for Law puts it, this Bill pertains to a particular property. Whether that property should be shared by all members, is a simple matter and that need not be complicated by introducing the question of sthanam being abolished or not abolished. This Bill makes mention of three clauses. Those clauses must be considered by the courts' interpretations. After all, we are not intervening with the judiciary. We are only laying down the laws which must be interpreted and adjudged by the law courts. There is nothing wrong in it. I once more thank all with reference to hon. Members for extending their support to this Bill and also the Government for giving facility to bring forward this Bill."

MR. CHAIRMAN :—" The question is—

' That the Madras Marumakkathayam (Removal of Doubts) Bill, 1955 (L.A. Bill No. 12 of 1955), as passed by the Assembly, be taken into consideration.' "

The motion was carried and the Bill was taken into consideration.

Clauses 2 and 1 were put and carried.

The Preamble was put and carried.

* SRI M. P. GOVINDA MENON :—" Sir, I move—

' That the Madras Marumakkathayam (Removal of Doubts) Bill, 1955 (L.A. Bill No. 12 of 1955), as passed by the Assembly, be passed.' "

MR. CHAIRMAN :—" Motion moved—

' That the Madras Marumakkathayam (Removal of Doubts) Bill, 1955 (L.A. Bill No. 12 of 1955), as passed by the Assembly, be passed.' "

* DR. V. K. JOHN :—" Now that I find that the Government have an intention to bring in a more comprehensive Bill, I would only request them to expedite the introduction of that comprehensive Bill because the present Bill, that is now being passed into law, is to multiply litigation and more so, costly and vexatious litigation. Government should immediately bring in a comprehensive legislation which would be beneficial to all concerned and which would be welcomed by one and all. I hope that they would bring in such a comprehensive legislation as early as possible." 4-20 p.m.

* SRI M. P. GOVINDA MENON :—" I heartily endorse the observations made by Dr. V. K. John. I wish the Government would bring forward a comprehensive Bill very soon, so far as the ' Sthanams ' in Malabar are concerned."

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MR. CHAIRMAN :—“ The question is—
‘ That the Madras Marumakkathayam (Removal of Doubts) Bill, 1955 (L.A. Bill No. 12 of 1955), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

VII.—ANNOUNCEMENT BY THE HON. THE CHAIRMAN.

MR. CHAIRMAN :—“ I wish to announce to the House that under rule 190 of the Madras Legislative Council Rules, a copy of the amendment made to the Madras Legislative Council Rules, and which was passed by this House to-day, has been signed by me.”

VIII.—DRAFT SECOND FIVE-YEAR PLAN FOR THE
STATE OF MADRAS.

* THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, I move—
‘ That the Draft Second Five-Year Plan for the State of Madras be taken into consideration.’ ”

“ The question of the Second Five-Year Plan for Madras State has been under the active consideration of Government for about six months and certain papers prepared by the Planning Commission's Panel of Economists, the Central Statistical Organization and the Indian Statistical Institute as well as the Preliminary Draft Proposals for the Plan sent to the Planning Commission have been circulated to the Members of the Legislature already. The First Five-Year Plan was largely determined by the conditions prevailing at the time it was framed and its principal objectives were to make India largely self-sufficient in food and to hold inflationary tendencies in check. It may be said that there has been a considerable measure of success in achieving these objectives; but there are various aspects of development on which adequate attention could not be laid in that Plan. The Second Five-Year Plan will essentially be a people's Plan reflecting their needs and aspirations and it is with this end in view that the Government have taken up the preparation of District Plans. These Plans will provide for the elementary requirements of the villagers in the matter of primary education, medical help, drinking water-supply, communications, agricultural facilities and village co-operatives. The Plans evolved at the State level have been designed to secure a balanced development for the State keeping in view the various targets proposed for the whole of India in regard to increase in production in different fields and the expansion of social services, in order to bring about a 25 per cent increase in national income and to provide employment opportunities for about 11 to 12 million persons. An analysis of the expenditure proposed for various sectors of development has been made in paragraph 9 of the ‘ Paper placed on the table of the House ’ yesterday and the figures will show the greater emphasis to be given during the Second Five-Year Plan period to small scale and

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village industries, development of communications, housing and other social services such as education, health, welfare of Backward classes, etc. In spite of this shift in emphasis, the actual expenditure proposed on irrigation and power projects is nearly double the expenditure on such projects during the First Five-Year Plan period while the expenditure proposed on agriculture, forests, animal husbandry, dairying and milk supply, fisheries and co-operation is over 42 crores as against the expenditure of nearly Rs. 11 crores during the First Plan period. The schemes will ensure a 15 per cent increase in the production of cereals in the State and a much larger increase in the production of protective foods such as milk, eggs, fish, vegetables and fruits. The various schemes under village industries have been designed to increase employment opportunities to the maximum extent possible in the country side.

"The preliminary Draft Proposals were discussed with the Planning Commission on the 12th and 13th of August and though no final decisions have yet been communicated to this Government in regard to the actual size of the Plan, it is expected that the Planning Commission would give its approval to an expenditure of the order of Rs. 200 to Rs. 225 crores over the five-year period on schemes included in the Plan. As indicated in the paper circulated yesterday, a Plan of the size of Rs. 225 crores for Madras would be quite realistic and well within the capacity of the State to implement. Whatever decision may be taken in regard to the actual size of the Plan, it will be exclusive of the expenditure on large and medium-scale industries the development of which will be undertaken directly by the Government of India on an All-India basis. The Planning Commission has indicated that the various schemes proposed by the Madras Government under this head would receive careful consideration before final decisions are taken in regard to the location of the industries concerned. Excluding heavy and medium-scale industries, the expenditure proposed in the Preliminary Draft Proposals for the Madras Plan would be of the order of Rs. 350 crores. It is hoped that the reduction of this figure to something between Rs. 200 and 225 crores can be brought about without omitting any of the more important schemes, by phasing the expenditure on them over a longer period. For instance, though the allotment for minor irrigation works and soil conservation works will be reduced, care will be taken to see that the reduced allotments are sufficient to cover the expenditure on the more urgent works. Similarly, a reduction in the expenditure on small-scale and cottage industries will be effected by reducing the number of units to be organized under the various schemes and it would be possible to ensure that no industry is neglected in any area if there are special facilities to develop it. Though the overall size of the Plan will be reduced, the relative importance given to different sectors of development in the Preliminary Draft Proposals will be maintained. It is expected that the Planning Commission will agree to an expenditure of the order of Rs. 75 to 80 crores on irrigation and power

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projects. This may make it necessary for some of the least remunerative irrigation schemes proposed already to be postponed to the Third Plan period; but a token provision for projects which will benefit both the Madras and Travancore-Cochin States will be retained. As explained in the Preliminary Draft Proposals, one of these schemes, viz., the Parambikulam-Uppar-Aliyar Project is essentially a proposal to utilize the Madras waters as the bulk of the catchment area of the streams the waters of which are to be tapped lies in the Madras State. The scheme is capable of providing dry-crop irrigation for an extent of 2 lakhs of acres and it should be possible to take it up during the Second Plan period. The views of the Members of the Legislature will be borne in mind and when the Plans are revised so as to reduce the overall cost to the figure that may be accepted by the Planning Commission."

MR. CHAIRMAN :—" Motion moved—

' That the Draft Second Five-Year Plan for the State of Madras be taken into consideration.' "

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p.m.

* SRI M. P. GOVINDA MENON :—" Mr. Chairman, Sir, I am performing a very unpleasant duty which I am compelled to. We, the Members both in this House and in the other House, coming from Malabar including my hon. Friends Sri Gopalan and Sri Ummer Koya, submitted a memorandum to the Hon. Chief Minister regarding this Second Five-Year Plan as it applied to the district of Malabar. In that Memorandum we have stated that on the 14th August 1955, the District Planning Body had a meeting at Kozhikode; the Body consisted of representatives from Malabar in the Legislature here and Parliament and also important Heads of Departments and other officials and non-officials. There in that Memorandum we had given our unanimous decision with regard to the demands of the district to be included in the Second Five-Year Plan. We had also stated in the Memorandum that that was the recommendation of the District Planning Body as approved by the members of the Legislature and that that may be accepted in respect of the district. That has not been done.

" Therefore, Sir, I may say that we have lost faith in the Government doing justice to the district. If it is proved otherwise, I will be very thankful. Only the other day, it was stated that the interests of Malabar would be looked after even though there was no member from Malabar on the Treasury Bench. But after seeing the Draft Plan we have decided not to participate in the discussions on the Five-Year Plan as such. Therefore, with regret, I have to withdraw from this discussion. I may assure you, Sir, it is not any want of respect to you or to the august House. Therefore, with due respect to you and to the House, I am withdrawing from the House to show the protest which my district has got against the attitude of this Government in the matter of development of our district. With your permission, Sir, I am withdrawing.

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(After making this statement, Sri M. P. Govinda Menon walked out of the House.)

* SRI T. PURUSHOTHAM :—“ Mr. Chairman, Sir, in initiating the discussion on the Second Five-Year Plan of the State, I should like to congratulate the Government first on the success of the State loan recently floated. I recall the challenge which I made on the floor of this House when my hon. Friend Mr. Chakkarai Chetty expressed a doubt about the success of the loan. I am glad that the loan has been oversubscribed testifying to the confidence which the people have in the Government of the day.

“ Sir, the Second Five-Year Plan is essentially a plan for the villagers, and hon. Members will be glad that as stated by the Hon. Leader of the House just now, the elementary requirements of the villagers, namely, schools, water-supply, medical health, communication, etc., have been provided for under the Plan for all villages. It is a matter for congratulation that the peoples' representatives have been associated in the preparation of the District Plans. I should state in this connexion that certain reports have been received that Harijans have been excluded from the village committees in certain quarters and if I refer to this here, it is in the hope that the Government would issue instructions to the Collectors of the districts concerned to rectify such defects in the constitution of the village committees wherever it is brought to their notice.

“ The preliminary draft proposals for the State based on the recommendations of the district committees and heads of departments involve an expenditure of about Rs. 400 crores. It would be a matter for regret if the total cost of the schemes should be cut down to half the amount as has been shown in the White Paper and as stated by the Hon. Minister just now. I would therefore urge that our State Government should stress our case for better treatment, in view of the facts stated by the Hon. Finance Minister the other day that this is one of the heaviest taxed States and the people expect an adequate return for the taxes that they pay. As I said in the debate on the Governor's Address, the people's enthusiasm has been roused in the village areas by propaganda conducted by the representatives of the people and high hopes have been roused and it should not be damped by curtailment of any of the Plan proposals.

(At this stage the Deputy Chairman occupied the Chair.)

“ In the White Paper it is stated that most of the irrigation projects may be cut down, because they would be expensive. This should not be; especially in view of the great need for increase in food production, the irrigation projects should be pushed through. At the same time it is a matter for congratulation, it

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is a matter to be welcomed that the power projects are proposed to be retained and the benefits thereof would be spread to all the villages in the State. The State stands foremost in the progress of rural electrification and a factory for manufacture of electrical goods should be located in this State. I trust all sections in this House would endorse the endeavours of the State Government to get a Government electrical factory located in this State.

"It is pleasing to note that the draft proposals cover a large field of agricultural development. Under 'education' provision is proposed for the revision of scales of pay of teachers. It is hoped that the teachers will have substantial benefits by the provision now proposed to be made in the Second Five-Year Plan. As suggested by the teachers' representatives in this House, I hope the pension scheme for teachers would be extended to secondary school teachers as well. The Plan proposals envisage improvement of school libraries, 540 in number. It is a matter for regret that establishment of rural libraries has not been thought of. The Local Library Authorities are not able to make much headway for financial reasons. I for one fondly hoped for a substantial scheme to be included in the Second Plan for development of libraries in rural areas. This should receive the attention of the Government.

"Art and architecture need encouragement. I am glad that the Hon. Minister for Agriculture has put forward a scheme for the establishment of a school of sculpture at Mahabalipuram. The problem of renovation of temples in our State, these glories of our ancient architecture, should be effectively tackled. Only the other day at Poonamallee, our popular Governor Shri Sri Prakasa said that 'the spiritual, social and cultural life of the people in our country is closely associated with our great shrines'. Some of them are now in disrepair; some are in a state of ruin. The Andhra State, it is seen, are tackling this problem and a list of all such temples in our State also which need urgent repairs should be drawn up and a scheme at State level should be prepared for conservation and renovation of our temples. This should find a place in the Second Five-Year Plan and I am sure that my hon. Friend, Mr. T. M. Narayanaswami Pillai, will support me in this. I would also suggest, Sir, the constitution of a Consulting Board of Oriental Architecture and Archæology consisting of non-official experts, representatives of Legislature, etc., to tackle and implement these proposals. That should be incorporated in the Second Five-Year Plan.

4-40
p.m.

"The Chingleput district has no irrigation projects. Repeated suggestions have been made for the introduction of a few irrigation schemes. I have been pressing for improvements to the Tenneri tank and Semrambakkam tank, but it is seen that no provision has been made for these schemes in the Plan. Estimates are stated to be ready for these schemes and I would urge that these should be included for execution in the Plan period in the first year itself.

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"The Hon. Minister for Public Health, Sri A. B. Shetty, while inaugurating the Wild Life Day at the Rajaji Hall last month spoke in glorious terms about the existence of a Birds' Sanctuary at Vedanthangal, about 47 miles south of Madras, but I wish to bring to the notice of the House that the place is in a deplorable state. The village has not even a good road to reach. Every year, after the rainy season, thousands of aquatic birds, different kinds of birds, come to this place to breed on the trees of a lake-like pond. It is a sight for the Gods to see the different kinds of birds assembled there. Such places should be improved and may I not hope that the Second Five-Year Plan should scrape a few thousands of rupees for such aesthetic purposes?

"The District Plan is ready for the Chingleput district. The Plans for village development, major panchayats and municipalities have been drawn up within the financial limits indicated by the Government. The Chingleput Plan also provides for a 'scheme of unemployment insurance' in view of the fact that labour is without employment for at least four months in a year in the rural parts. The scheme provides also that during the period of unemployment, labour will be paid in grain about half the rate of normal wage for work done in connexion with development schemes. The Chingleput Plan provides that all cultivators in the village should make a contribution in grain according to the size of their holdings so that a reserve of food supply may be made available to actual workers engaged in village schemes. The people have come forward enthusiastically to plan and work out these schemes in villages and urban areas as well and I confidently hope that the Plan works would be started immediately so that when the allotment is made next year, we would have completed the preliminaries and be ready in a fair way to work up those schemes successfully.

"Lastly, I hope and pray that the Second Plan would open out possibilities for peace, prosperity and progress."

* SRI G. KRISHNAMOORTHY:—"Mr. Deputy Chairman, Sir, I am really glad that our country is to have a Second Five-Year Plan with a view to improving our position all round. I note with satisfaction that our Madras Government have provided about Rs. 394 crores for this purpose. (The Hon. Sri C. Subramaniam: 'We have not provided but only proposed.') I stand corrected, Sir. Of course, we are told that there may be a need to cut down this figure to about Rs. 225 crores excluding the expenditure on major industries, the Neyveli Project and other things. Usually our Madras Government are spending about 20 per cent of the general revenues on education. But under the Second Five-Year Plan, they have provided for education only about Rs. 38 crores, barely 10 per cent of the proposed Rs. 394 crores. Out of this Rs. 38 crores, the Government have proposed to spend a little less than Rs. 5 crores for increasing the salaries of the teachers, which works out to about 1/8th or early 12½ per cent.

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“ Now, the question of revenue expenditure and capital expenditure naturally arises and there may be a question that even if some provision is made for payment of the teachers' salaries under the Second Five-Year Plan, the State must be able to bear it as a recurring expenditure. I speak only with reference to the present generation of teachers and with the fond hope that there would be a third or fourth Five-Year Plan because India is on the threshold of march towards economic freedom. Now, originally it was thought that about Rs. 1,000 crores would be spent for the whole of our country on education. Then, there came a statement that this sum of Rs. 1,000 crores would be cut down to Rs. 500 crores, that is by 50 per cent. Leaders and authorities gathered and thought that many of the items under education should be proportionately cut down. Of course, that was a blow to the country as a whole. Whatever need there may be for curtailing the expenditure under other spheres, need ought not to have been felt for the curtailment of expenditure under education, because, as I have already pointed out on the floor of this sacred House, it is only education that will sustain the development that is contemplated under the other spheres. Now, because the total provision for the whole of our country had to be cut to about Rs. 500 crores (Rs. 450 crores under general education and Rs. 50 crores under technical education), they began to lower the pace of advancement of primary education, secondary education and so on. Suddenly we saw a statement in the press that the salaries of teachers were also to be curtailed. Originally, the proposal was that even the lowest qualified teacher should get not less than Rs. 50 as basic salary. There were decent scales of pay. Of course, one cannot call them as attractive scales of pay. The lowest qualified teacher was to get Rs. 50, the matriculate teacher was to start on Rs. 70, the under-graduate teacher was to start on Rs. 100, the graduate teacher was to start on Rs. 150 and the headmaster was to get between Rs. 250 and Rs. 500. These were the scales of pay provided for by the original planners. Then, we noticed statements in the press that the salaries were to be cut and fixed at Rs. 40 and Rs. 50 and that teachers were to get Rs. 40 plus Rs. 16 and Rs. 50 plus Rs. 16. This was a statement made at an All-India level. Of course, that may not have cent per cent relevancy to the affairs obtaining in our State; but somehow or other this had some effect in our State also and in our Plan it is stated that each teacher is to get an increase of only Rs. 10, that is, a teacher getting Rs. 30 per mensem will get Rs. 40, the teacher getting Rs. 40 will get Rs. 50 and so on. There is a disparity in salaries of the same category of teachers there also. There is again a statement that this sum of Rs. 10 is not going to be given to the teacher in the first year of the Second Five-Year Plan, that is during 1956-57, but that it is going to be divided into five instalments of Rs. 2 each, one-fifth of the increase being allowed each year. Of course, it is stated that the teacher is to get this sum of Rs. 2 in addition to his usual increment, but there is a fear among the teachers whether the mistake that was committed

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in 1947 at the time of the general revision of pay scales would be repeated this time also. There, when fixing the new scale of pay, they were given one or two increments and were fitted into the new scale of pay. If it is the intention of the Government to do like that, many of the senior teachers would not get the benefit of even this Rs. 10 contemplated by the Government. My request on the floor of the House has always been to see that the Government give certain things over and above what the teachers have been getting on the particular day on which the increment is announced. This offered increase of Rs. 10 must be got in one instalment by every teacher over and above what he gets on the 1st April 1956. Now let us see whether it is possible for this Government to allot only Rs. 10 for a teacher. We find in the Five-Year Plan a provision of Rs. 443 lakhs in respect of the Rs. 10 increment that is to be given to all the elementary school teachers in this State. With regard to secondary education, we do not find any explanatory note. We find the figure of Rs. 63 lakhs. This amount is to be given over a period of five years in the Second Five-Year Plan. This means about Rs. 12 lakhs for each year of the Second Five-Year Plan. I tried and tried to divide this amount equally among all the secondary school teachers, only to find that it would not be possible to give the promised figure of Rs. 10 to all these teachers. I do not know whether the Government are going to enlarge this figure to see that all the teachers in the secondary schools including headmasters get this amount. Let us see whether Government can provide only Rs. 5 crores for salaries of teachers out of the Rs. 38 crores. The Government's proposal is for allotting Rs. 38 crores under Education. Is it possible only to spend Rs. 5 crores for giving an increase in the salaries of teachers? Have not the Central Government and the authorities connected with it and so many other bodies connected with all-India education expressed time and again that but for a living wage for the teacher, education cannot improve? Have not they time and again pointed out that it would be the first duty of the Government to see that teachers got a living wage under the Second Five-Year Plan? Is it not a fact that promises were held out again and again that the level of the ordinary man would rise up during the period of the Second Five-Year Plan, and the teacher also, as a citizen, could have his salvation then? What is it that has suddenly brought upon the Government this idea that because certain figures are to be cut at the all-India level, the teacher should have his salary cut? Really if it is a question of a person already getting anything over a living wage being subjected to a cut the matter is understandable. But the teacher has been waiting for a living wage so long and for the Second Five-Year Plan to get his salvation. The original proposals by the framers of the Plan for fixing the salaries of teachers were that a teacher was to be given a living wage of Rs. 50—the lowest qualified teacher, a Matriculate should start on Rs. 70, a Graduate should start on Rs. 150, and a Headmaster should start on Rs. 250. Let us see how this figure works out. If we work out the figures according

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to these scales originally sanctioned by the framers of the Plan at the all-India level, we find that it is only a question of recurring expenditure of a little over Rs. 3 crores per year for our State or for the total period of the Second Five-Year Plan, it would be about Rs. 16 crores. Cannot the Government provide these Rs. 16 crores out of the Rs. 38 crores which they have proposed to spend on education? Let us see how they propose to spend this Rs. 38 crores on education. Hon. Members will be wonderstruck to hear that the teachers have to get a little less than Rs. 5 crores but children are to get Rs. 3.51 crores for purchase of books and slates. We know how valuable these books and slates are to children, how they use them, how long these books and slates will last, and whether it is really necessary for the children to use books and slates. We should consider whether the memory of children could be cultivated without the use of these books and slates as in olden days. Is it necessary for the Government to make a huge provision of Rs. 3.51 crores for the purchase of slates and books by children? Then there is a provision of Rs. 14.4 crores for the opening of additional classes. This means paying additional teachers. This again means the opening of more schools. As it is I can say that even at the all-India level there is no policy on education in respect of primary schools. The Centre as well as the States have always proclaimed that basic education is their policy, but what makes them delay the implementation of it? That is the question that I ask. If really they think that any reorganization should begin from the bottom, if really they think that the economic Swaraj for which we are striving can be achieved only through education, and if they think that the higher stages of education cannot be reorganized completely without the foundation of the basic education at the primary stage, they should come forward at least during the Second Five-year Plan to just reorganize all the primary schools in the whole of India, and especially within our State, into basic schools. What is the difficulty that the Government have been experiencing with respect to this affair? When the Central Government said that there would be a cut in the over-all provision, it was also stated that the number of schools to be converted into basic schools would be comparatively lower. I think this is reflected in our plans also. What trouble is there in converting all these primary schools into basic schools overnight? Cannot they be converted overnight? Cannot the present teachers adapt themselves to the basic pattern with a short re-training in one summer vacation? Any parent will easily be able to find that all that is taught in the schools, especially in the lowest classes, is not all-useful and is not all-necessary. There are many things which can be avoided. There are many things that are repeated again and again. There are many things that the parent can teach at home, fully realizing his responsibility. If all these unnecessary things are taken out of the school curriculum, naturally there would not be any need for teaching in the elementary school for more than two hours a day. If this fact is recognized, combined with the fact

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that the child's rapt attention also cannot last for more than two hours, we will see that the present schools would be fully sufficient to meet the demand of all the school-going children. Speaking from facts, I say that 45 to 50 per cent of the school-going children throughout India are in schools. It is only a question of getting the other 50 per cent. If the present schools will be able to take in those children, according to the shift system of $2\frac{1}{2}$ hours or 2 hours per day, the problem will be solved, and the need for provision of Rs. 14.4 crores for the expansion of education in the Second Five-Year Plan period will not arise at all. Let us see if this Rs. 14.4 crores is going to be usefully spent in the Second Five-Year Plan period. What is the content of education? The children are taught about Eskimos, about things unrelated to life and arithmetic unrelated to daily transactions. They are taught things unconnected with our everyday life. They are taught history that creates disunity among us. That is all the content of education. To spend Rs. 14 crores of the taxpayers' money in the Second Five-Year Plan period on the expansion of this type of education is therefore a sheer waste. With regard to the training of teachers, there is a provision of Rs. 2.45 crores. If all the present teachers are simply requested to undergo re-training during the next summer vacation to adapt themselves to the $2\frac{1}{2}$ hours Basic school work, the problem can be solved without this expenditure of so many crores of rupees. Rs. 2.45 crores has been allotted for the supply of midday meals. We try to imitate the West in certain matters. Perhaps pure bottled milk may be supplied in England and America to children during midday. But could we imitate them? According to the Post-War Reconstruction plan, a packet of sambar bath was given to each child at midday. No provision was made for supplying drinking water to the children in places where food was ordered to be supplied. The scheme was a failure. How far is it necessary to provide midday meals to children in schools? We find parents just sending their children bellyful to the schools. There may be cases of two or three children who may be starving for one or two days. That will go to show that the parents should be starving. If the parent is not in a starving state, naturally he is not going to send and no parent in India would send his child with an empty stomach or half-filled stomach to the school. Such is the fondness with which the parents are rearing their children in India. Then, what is the meaning of these children being accustomed to sambar bath when they are usually given at home ragi or maize in the morning and when their family condition is below the economic level? Why should the Government say that all these children should get themselves accustomed to this luxury? Did the parents claim anything as midday meals for the sake of sending children to schools? Do the Government think that on account of the midday meal, the attendance in schools would improve? Government introduced compulsion. They threatened that they would fine parents from Re. 0-8-0 to Rs. 7-8-0 if they did not send their children to the school. Well, the parents even then did not send

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their education to the schools because education of the present day is found and was found by them long ago, some 70 or 100 years ago, as not suited to the daily needs of life in India. No amount of compulsion was able to bring these children. No amount of promise of midday meal can bring those children. Unless the content of education is modified and unless these children are kept in the school only for two hours a day to facilitate their help to their parents at home and in the fields, the attendance in the schools will not improve. So, the provision of 2.5 crores for midday meals can be cut out. When the teachers are starving, when their stomachs are pinching, and when they are not able to finance their budget, there is no necessity for making a provision for free midday meals for children. By putting all these items together, 14.4 crores for opening of additional classes, 2.45 crores for training teachers, 3.51 crores for the supply of books and slates and 2.5 crores for midday meals, we find that nearly Rs. 22 crores can be had for the amelioration of the teachers. The question may be put 'How is it that you are so very selfish? You say that even children should not be given midday meals, children should not be given books and slates and 22 out of the 38 crores provided in the Plan should go to the teachers straightway.' Is it not the duty of the Government to see that the teacher who is employed for the purpose of educating the children is given a living wage? We do not want anything more. If the teacher is to be given a living wage, it costs only Rs. 16 crores. As I submitted to the hon. Members of this House, the recurring expenditure in respect of this for each year of the Second Five-Year Plan is a little over Rs. 3 crores and for the total number of five years, the total provision would be about 16 crores of rupees. Cannot the Government provide Rs. 16 crores out of the Rs. 38 crores given in the Plan? So, I would humbly request the Government to see that the teachers are given a living wage under the Second Five-Year Plan itself. Now, we find that this is a period when the Government are spending thousands of crores on national development. If the Government realize that it is only through the teacher that the nation develops, if the Government realize that the future of this State is to have redemption only through the undivided attention of the teacher to the children, if the Government realize the fact that but for the advice and control of the teacher in the schools, there would be hartals everyday and confusion in hartals, and much disorder would be created by the students on such occasions; and if they realize that the teacher is shaping the future society so as to consist of loyal, patriotic and selfless citizens, they must provide these Rs. 16 crores for the salaries of teachers under the Second Five-Year Plan. If they do not do that, I think it will be doing something against the interests of the nation, against the interests of the Congress and against the interests of the party which they represent in the Treasury Benches."

(Mr. Chairman resumed the Chair at this stage.)

* SRI T. M. DAIVASIKHAMANI ACHARIAR :—" Mr. Chairman, Sir, it gives me great pleasure to follow the discussion

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which has been so ably initiated by my friend Mr. Purushothama Mudaliar. In the first place, it is not necessary for me at this stage to discuss or to go into the figures of the Second Five-Year Plan because it is still in the embryo stage. This Government wants about Rs. 340 crores but only Rs. 200 crores have been provided and it seems bargains are being made for at least another 25 crores.

“ Sir, I am sure as the figure is behind our target, the other things will automatically follow and all schemes have to be curtailed and pushed through. I have got great confidence in the ability of the Finance Minister and that he can bring any Government to his views. Our Odysseus knows too well how and when to bend his bow. With that hope, Sir, I am quite confident that the Second Five-Year Plan will be a great success. Somewhere out of Madras and in Madras, the present administration is rather found fault with and belittled. I deplore such irresponsible and malignant talks, Sir. The best proof for the present administration is the grand success it has achieved in raising a loan of Rs. 7 crores when people expressed a doubt that this huge amount cannot be realized by the Government because it is not so very popular nor would it create confidence in the people. But, Sir, here is a proof beyond doubt—‘The proof of the pudding is in the eating.’ Therefore, this grand success speaks very eloquently about the efficient and successful administration of the present Government headed by Hon. Sri Kamaraja Nadar.

“ Sir, coming to the next point, it has been said that the Five-Year Plan is not providing all the facilities and the amenities for the people of this welfare State. I say, Sir, it is very difficult at the initial stage to make a very huge scheme at once successful. We must move gradually, step by step, point by point, and then we will have to collect all our resources and see how best those resources can be utilized.

“ Sir, it has been pointed out by my friend, Mr. Purushothama Mudaliar that our Government should take the initiative in formulating a scheme for the expansion of all industries as well as promotion of art and sculpture. I entirely agree with him. It is high time that the indigenous arts and sculpture must be revitalised. At least in the Second Five-Year Plan, the Government should do something for the revitalising of the architecture and arts of our country. Our temples should not be allowed to go to rack and ruin. It has been said by the Hon. Minister for Industries that a school for the promotion of Sculpture and arts of our land would be started at Mahabalipuram. I am glad that the Hon. Minister has conceded it as proper that a school for the promotion of our sculpture and arts should be started. The art of temple building and the staphis are having a languishing death. I may differ from him only about the place which has been chosen for starting such a school. The first thing is Mahabalipuram is not centrally situated. And secondly there are not very great examples of combined art there except some ‘old rathams and cave temples

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belonging to Pallava age'. In my opinion the best place wherein instruction on our arts and silpa could be best provided is 'Madurai' which has got not only examples of our ancient architecture but also the architecture of recent periods. It can impart much educative value as an ancient example. With due deference to my friend Sri T. M. Narayanaswami Pillai, I might say that if, for any reason Madurai has been found unsuitable the next best place is Chidambaram. It is a great centre of sculptural attainment and has made its mark as a great seat of piety, culture and learning as well.

"Sir, I shall now come to my pet subject of 'Industries'. A considerable sum has been provided in the Plan for the improvement of industries as a whole. How much is going to be spent on cottage industries, and how much on the improvement of our handicrafts is not known. Our industries must be given a rebirth and reorientation in this country. Our Government have long neglected them. Perhaps it might be known to hon. Members that an exhibition of Indian Handicrafts is going to be held shortly in Moscow. When these people, I mean the Russians, who are far away from our land, evince such a keen interest in our handicrafts, is it not just and reasonable that we should encourage our crafts and those who are engaged in making these handicrafts so wide known and who, for want of encouragement of their art, are now literally dying for want of food. Therefore, when Westerners have come to admire our arts, it is high time that we embarked on a programme of encouraging our handicrafts. And now, I come to the subject of 'major industries'.

"It is now said by Government that before embarking on any big project in regard to major industries, they are waiting the result of Neiveli Project. As I expressed more than once on the floor of this House, I am not very hopeful as to its success. This is something like waiting for the tides of the ocean to subside, before getting oneself satisfied with a bath. We must be doing something; we must be going on and on keeping our minds alert and our vision must be clearly upon the advancement of major industries. It has been said that the Centre would look after the expansion of major industries, viz., the erection of steel plant and other things, on an all-India basis. Even though Salem is full of iron ores and is suitable for being chosen as a site for the erection of a steel plant, it has been said by a prominent spokesman of the Government of India that, due to the absence of coal, erection of a steel plant in Salem is not feasible. The absence of coal in our State is not a serious impediment. With 80 lakhs of rupees spent on the Neiveli Project in the hope of finding coal, we might have as well inundated our State with imported coal. Per contra, we might have erected a Third Atomic Nuclear Reactor at a cost of Rs. 30 lakhs, exclusively for promoting the power supply of the State. We have now come to the Atomic age. Sir, I may in this connexion give an instance how steel industry was flourishing during the days of the East India Company. When they came across

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with iron ores, they collected it and with the help of some indigenous mode, they made a very fine sort of steel of three qualities. It stood the pressure of rollers. They knew next to nothing about coal or electric energy. When such is the case, I ask, Sir, how could there be any objection to the starting of a steel plant at Salem exclusively for the State. At a place, somewhere in Ponneri taluk large quantities of iron ores and copper deposits are available. My friend who is employed in the Industries Department told me that these ores are collected in sacks and are sold at Rs. 10 per sack. There are a lot of buyers for these ores, who without knowing the commercial and industrial value, sell them at cheaper rates. When many commercial undertakings are possible, and when such huge quantities of iron ore are available in our State, why should our Government wait for the results of experiments at Neiveli or depend upon Central Government? Why can't they make use of some industrialists or experts, who could devise ways and means of producing the best quality steel from these iron ores? I believe the iron industry will flourish in our State, if we could make use of the large deposits of iron ore with the advice of those who are considered to be hereditary and practical experts in the field. For the manufacture of scientific equipment for industrial purposes, it is no use for this Government to wait and wait for scientific experts a long time. With the available resources, we must be able to exploit the industrial possibilities of establishing a steel plant in South India.

"I shall now refer to a portion of my friend's speech. He said that libraries must be started and they must be subsidized. I can go a step further and say that there must be a mobile van service going from village to village, with books, clothing and food. Then, my friend, Sri G. Krishnamoorthi referred with his usual eloquence to the needs of teachers. Sir, I am not going to harp on the same tune. Enough has been said and pleaded on behalf of the teachers. In our endeavour to benefit the teachers we should not stand in the way of free supply of midday meal to school children. It is sinful. I only say that under the Second Five-Year Plan Government, taking the needs of all sorts of people into consideration, and respecting the views put forward by the representatives of the different sections of our people both in the Assembly and in this House, should make our land a really welfare State.

"Therefore, Sir, with all the emphasis at my command, I strongly plead that the industrial regeneration of the State must take place as early as possible; all the industrialists—cottage industrialists, handloom weavers, etc.—must be made to have at least a single full meal a day for which they are still hankering and are thirsting. Therefore, with these observations, I beg to resume my seat, Sir."

MR. CHAIRMAN :—"The House will now adjourn and meet again tomorrow afternoon at 3 o'clock."

The House then adjourned.

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IX.—PAPERS LAID ON THE TABLE OF THE HOUSE.

^a 1. Notification No. 630 issued with G.O. Ms. No. 1843, Home, dated the 30th June 1955, regarding reduction in tax for the station wagon belonging to School for Deaf in Mylapore.

^a 2. Notification issued with G.O. Ms. No. 1733, Home, dated the 21st June 1955, regarding delegation of powers to Regional Transport Officers for revocation of sanction of grant of permits, renewal, etc., under the Madras Motor Vehicles Rules.

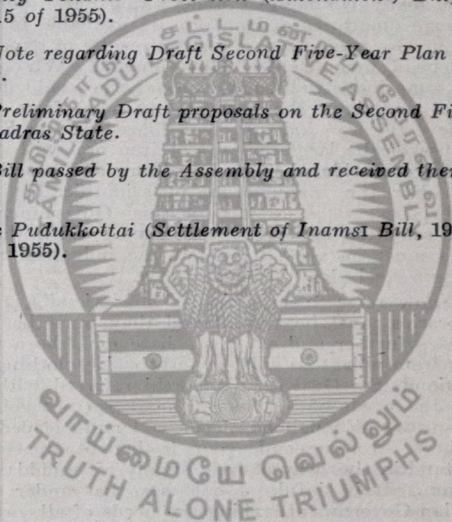
^b 3. Report and proceedings of the Select Committee on the Madras City Tenants' Protection (Amendment) Bill, 1955 (L.A. Bill No. 15 of 1955).

^c 4. Note regarding Draft Second Five-Year Plan for the State of Madras.

^a 5. Preliminary Draft proposals on the Second Five-Year Plan for the Madras State.

^b 6. Bill passed by the Assembly and received therefrom in the Council.

7. The Pudukkottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955).



^a Laid on the table on 22nd August 1955.

^b Circulated by messengers on 22nd August 1955.

^c Laid on the table on 23rd August 1955.

^d Circulated to Members on 23rd August 1955.

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APPENDIX I.

[Vide answer to starred question No. 351 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 24th August 1955, page 411 supra.]

STATEMENT.

Serial number.	Names of Government offices of the Chingleput district that are located in the City of Madras.	Steps afoot to locate the offices within Chingleput district.
(1)	(2)	(3)
1	The Collector's Office, Chingleput.	No proposal under consideration at present.
2	The Taluk Office, Saidapet.	
3	The Estate Manager's Office, Saidapet.	
4	Office of the Deputy Commercial Tax Officer, Saidapet.	The Executive Engineer, Chingleput Division, has recently notified that certain Government buildings near Pallavaram are vacant. The Commercial Tax Officer, South Madras and Chinglegut, is taking steps to locate the office in one of those buildings.
5	Court of the Sub-Magistrate-I, Saidapet.	
6	Court of the Sub-Magistrate-II, Saidapet.	
7	Office of the Executive Engineer, Chingleput Division.	
8	Office of the Subdivisional Officer, Tiruvallur.	
9	Office of the Subdivisional Officer, Buckingham Canal.	There are no proposals to shift those offices to places within the Chingleput district.
10	Office of the Executive Engineer, Special Irrigation Division.	
11	Office of the Divisional Engineer (Highways), Saidapet (Chingleput Division).	
12	Office of the Assistant Engineer (Highways), Madras.	
13	Office of the Supervisor (Highways), Madras South.	
14	Office of the Supervisor (Highways), Madras North.	

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Serial number.	Names of Government offices of the Chingleput district that are located in the City of Madras.	Steps afoot to locate the offices within Chingleput district.
(1)	(2)	(3)
15	Office of the District Educational Officer, Chingleput.	The question of shifting the office to any suitable place at Chingleput, Conjeevaram, St. Thomas Mount or at Tambaram has been deferred.
16	Office of the District Agricultural Officer.	There are no proposals to shift these offices to places within the Chingleput district.
17	Agricultural Demonstrator's Office, Saidapet.	
18	Office of the Health Inspector, Saidapet Range.	
19	Office of the District Welfare Officer, Harijan Welfare Department, Chingleput district.	
20	Office of the District Soldiers', Sailor's and Airmen's Board, Chingleput district.	
21	The District Audit Office, Local Fund Audit Department, Chingleput district.	
22	Offices of the District and Additional District Panchayat Officers, Chingleput.	

APPENDIX II.

[Vide item IV (1) on page 418 supra.]

L.A. BILL No. 22 OF 1955.

(As passed by the Assembly.)

A Bill further to amend the Madras Sales of Motor Spirit Taxation Act, 1939.

WHEREAS it is expedient further to amend the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), for the purpose hereinafter appearing;

BE it enacted in the Sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Sales of Motor Spirit Taxation (Amendment) Act, 1955.

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2. Amendment of sections 5 and 8, Madras Act VI of 1939.—In sections 5 and 8 of the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), for clause (b), the following clause shall be substituted, namely :—

“(b) submit to the Commercial Tax Officer and to such other officers as may be prescribed, a return in such form, containing such particulars and at such intervals, as may be prescribed.”.

APPENDIX III.

[Vide item IV (2) on page 419 supra.]

L.A. BILL No. 24 OF 1955.

(As passed by the Assembly.)

A Bill to amend the Madras Land Revenue (Surcharge) Act, 1954.

WHEREAS it is expedient to amend the Madras Land Revenue (Surcharge) Act, 1954 (Madras Act XIX of 1954), for the purpose hereinafter appearing;

BE it enacted in the Sixth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Madras Land Revenue (Surcharge) Amendment Act, 1955.

(2) It shall be deemed to have come into force on the 1st July 1954.

2. Amendment of section 3, Madras Act XIX of 1954.—In section 3 of the Madras Land Revenue (Surcharge) Act, 1954 (Madras Act XIX of 1954), for Illustration (1), the following Illustration shall be substituted, namely :—

“(1) A is liable to pay as land revenue rupees three hundred in respect of lands held by him on a patta solely in his name. A and B are liable to pay as land revenue rupees three hundred in respect of lands held by them on a joint patta in equal shares. B and C are liable to pay as land revenue rupees three hundred in respect of lands held by them on a joint patta in the ratio of 1 : 4. C is liable to pay as land revenue rupees three hundred under section 23 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948). C is liable to pay surcharge under this section as he is liable to pay a sum of rupees five hundred and forty as land revenue; but neither A nor B is so liable as they are liable to pay sums of rupees four hundred and fifty and rupees two hundred and ten respectively as land revenue.”

I certify that this is a Money Bill.

B. BHAKTHAVATSALU NAIDU,
Deputy Speaker, Madras Legislative Assembly.

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APPENDIX IV.

[Vide item IV (3) on page 421 supra.]

L.A. BILL No. 25 OF 1955.

(As passed by the Assembly.)

A Bill to provide for the settlement of inams in the merged territory of Pudukkottai in the State of Madras.

WHEREAS it is expedient to provide for the settlement of inams in the merged territory of Pudukkottai in the State of Madras;

BE it enacted in the Sixth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Pudukkottai (Settlement of Inams) Act, 1955.

(2) It shall come into force on such date as the State Government may, by notification in the *Fort St. George Gazette*, appoint.

2. Recognition of inams granted, confirmed or recognized by the previous administration.—Subject to the provisions of section 3, all inams in the merged territory of Pudukkottai, which were granted, confirmed or recognized by any former Ruler of that territory and which have continued as inams up to the commencement of this Act are hereby recognized and confirmed as inams by the State Government.

3. Settlement of inams in the merged territory.—Subject to the provisions of this Act and the rules made thereunder, all lands held on inam tenure at the commencement of this Act in the merged territory of Pudukkottai shall be settled in accordance with the principles laid down in the rules and orders contained in the Standing Orders of the Board of Revenue and for the time being applicable to the settlement of inams in the rest of the Madras State :

Provided that—

(a) all personal inams other than those granted for religious or charitable purposes, shall be enfranchised or freed from the conditions subject to which they are held;

(b) all religious, artizan and charitable inams shall be continued by the State Government, only so long as the terms and conditions subject to which they are held are fulfilled.

4. Power to make rules.—(1) The State Government may, by notification in the *Fort St. George Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules providing for such adaptations, exceptions and modifications as they may deem necessary for the purpose of applying the rules and orders contained in the Standing Orders of the Board of Revenue to any inam or inams in the merged territory of Pudukkottai.

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5. *Repeal*.—The Pudukkottai Inam Rules, 1888, and all the orders and rules relating to inams issued or made by the former Pudukkottai Durbar are hereby repealed.

6. *Saving*.—Nothing in this Act shall apply to the two Jaghirs, Manovirthi and Chinnaranmanai.

APPENDIX V.

[Vide item V on page 424 supra.]

PROCEEDINGS OF THE SELECT COMMITTEE ON THE AMENDMENTS TO THE MADRAS LEGISLATIVE COUNCIL RULES.

(As approved by the Chairman.)

The Select Committee met in the Congress Party Room, Fort St. George, at 2 p.m. on Monday, the 22nd August 1955. The following members were present:—

- (1) Hon. Dr. P. V. Cheriain (*Chairman*).
- (2) Hon. Sri M. Bhaktavatsalam.
- (3) Sri A. M. Allapitchai.
- (4) Sri T. M. Narayanaswami Pillai.
- (5) Sri P. P. Ummer Koya.
- (6) Sri T. Purushotham.
- (7) Sri G. Krishnamoorthi.

The Secretary to the Council was also present.

The Select Committee went through the amendments proposed and approved of the same as introduced.

The Committee authorized the Chairman to sign the report and present it to the Council for its acceptance.

FORT ST. GEORGE,
22nd August 1955.

A. J. SABESA AYYAR,
Secretary to the Council.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL,
MADRAS.

The Select Committee appointed to consider the amendments to the Madras Legislative Council Rules has the honour to make the following report.

2. The Committee was appointed on the 9th August 1955.

3. The Committee met in the Congress Party Room, Fort St. George, at 2 p.m. on Monday, the 22nd August 1955, and considered the amendments. The Committee, after some discussion, adopted the amendments as introduced. The amendments as adopted by the Committee are shown in the Annexure.

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P. V. CHERIAN,
Chairman.

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Annexure.

Add the following new rule after rule 178 :—

“ 178-A. (1) The Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties.

Provided that Government may decline to produce a document on the ground that its disclosure would not be in the public interest.

(2) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.”

APPENDIX VI.

[Vide item VI on page 425 supra.]

L.A. BILL No. 12 OF 1955.

(As passed by the Assembly.)

A Bill to remove certain doubts in the Madras Marumakkathayam Act, 1932 (Madras Act XXII of 1933), in regard to sthanams and sthanam properties.

WHEREAS doubts have arisen about the true legal character of certain properties which are erroneously claimed to be or regarded as sthanam properties, but which are properties of the tarwad, the male members of which are entitled to succeed to the sthanam and it is necessary to remove those doubts in respect of this question ;

BE it enacted in the Sixth Year of the Republic of India as follows :—

1. *Short title and application.*—(1) This Act may be called the Madras Marumakkathayam (Removal of Doubts) Act, 1955.

(2) It shall apply to all persons governed by the Madras Marumakkathayam Act, 1932 (Madras Act XXII of 1933).

2. *Certain kinds of sthanam properties declared to be tarwad properties.*—Notwithstanding any decision of Court, any sthanam in respect of which—

(a) there is or had been at any time an intermingling of the properties of the sthanam and the properties of the tarwad, or

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(b) the members of the tarwad have been receiving maintenance from the properties purporting to be sthanam properties as of right, or in pursuance of a custom or otherwise, or

(c) there had at any time been a vacancy caused by there being no male member of the tarwad eligible to succeed to the sthanam,

shall be deemed to be and shall be deemed always to have been a Marumakkathayam tarwad and the properties appertaining to such a sthanam shall be deemed to be and shall be deemed always to have been properties belonging to the tarwad to which the provisions of the Madras Marumakkathayam Act, 1932 (Madras Act XXII of 1933), shall apply.

Explanation.—All words and expressions used in this Act shall bear the same meaning as in the Madras Marumakkathayam Act, 1932 (Madras Act XXII of 1933).

